

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F042447 People v Lind

Cause called and argued by John Hardesty, Esq., counsel for appellant. Harry J. Colombo, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Thursday, June 10, 2004 at 11:00 A.M.

F045235 Jimmy C. v. The Superior Court Of Tulare County; Tulare Co. Health and Human Services Agency

Cause called and argued by Jimmy C., petitioner in propria persona and by Amy-Marie Costa, Esq., Deputy County Counsel, counsel for real party.

Cause ordered submitted.

Court recessed until Monday, June 14, 2004 at 1:45 P.M.

IN THE

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IN AND FOR THE

Fifth Appellate District

F043432 People v. Chhoeung

The sentence is vacated and the matter is remanded for resentencing. Cornell, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035120 People v. Hanks

The judgment is reversed and the cause remanded to the superior court. The court is directed to vacate its order denying the motion to suppress and enter a new order granting the motion. The court is directed to vacate the guilty plea if Hanks makes an appropriate motion within 30 days after the remittitur is issued. In that event, the superior court should reinstate the original charges and allegations contained in the information if the prosecution so moves. If Hanks does not move to vacate the guilty plea, the trial court is directed to reinstate the original judgment. Cornell, J.

I concur: Levy, J.

I dissent: Buckley, Acting P.J.

(See dissenting opinion)

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043390 In re Albert R., a Minor

The judgment as modified is affirmed. Wiseman, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034897 People v. Hester

The judgment is reversed and the cause remanded to the superior court. The court is directed to vacate its order denying the motion to suppress and enter a new order granting the motion. The court is directed to vacate the guilty plea if Hester makes an appropriate motion within 30 days after the remittitur is issued. In that event, the superior court should reinstate the original charges and allegations contained in the information if the prosecution so moves. If Hester does not move to vacate the guilty plea, the trial court is directed to reinstate the original judgment. Cornell, J.

I concur: Levy, J.

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I dissent: Buckley, Acting P.J.

(See dissenting opinion)

[CERTIFIED FOR PARTIAL PUBLICATION]

F042593 Merino v. Courtesy Oldsmobile-Cadillac, Inc. et al.

The judgment is affirmed. Costs are awarded to defendants.
Wiseman, J.

We concur: Buckley, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041737 People v. Finch

The judgment is reversed. Dibiaso, Acting P.J.

We concur: Buckley, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045594 Martinez v. Onyx Acceptance Corporation

Appellant having failed to deposit the statutory filing fee of
\$655.00 as required by rule 1, California Rules of Court, IT IS
HEREBY ORDERED that the appeal in the above-entitled action is
dismissed.

F041885 People v. Sisavath

Appellant's petition for rehearing filed herein is denied.

F044119 People v. Moore

The cause is submitted for decision.

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F044119 **People v Moore**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045235 **Jimmy C. v. The Superior Court of Tulare County; Tulare Co. Health and Human Services Agency**

The petition for extraordinary writ is denied. Opinion final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]